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June 10, 2005

Federal Trade Commission  
CAN-SPAM Act  
Attn: CAN-SPAM Act Rulemaking, Project No. R411008  
P.O. Box 1030  
Merrifield, VA 22116-1030

RE: Request for Comment: SCAN-SPAM Implementation

To Whom It May Concern:

I would like to take this opportunity to comment on the above referenced proposal concerning CAN-SPAM Implementation.

The credit union believes that a message sent pursuant to a relationship in which no consideration has passed be considered as a transactional relationship message if offering a upgrade for products or services. Also, this should apply where a customer has acknowledged an agreement/notice in order to be able to use a service, even if for "free". This is a major business model that encourages public use and benefits from the internet.

The FCT should not adopt a "safe harbor" with respect to opt-out and other obligations for companies whose products or services are advertised by third parties. This could be problematic and possibly offer ways for companies to circumvent the regulatory intent.

The definition of "valid physical postal address" is appropriate if it provides the ability of legal authorities when necessary to ultimately obtain a valid physical address. In other words, if a post office or private mail box is allowed, the provider of those box addresses should be required to have a valid physical address that is verified in some manner.

Debt collection emails should be considered transactional since they relate to a prior transaction and agreement (loan) that the customer chose to enter into which now has problems associated with it.

Email messages to so-called "lapsed members" should still be considered transactional if the purpose is related to administrative or carrying of accounts such as efforts to "reactivate", close such accounts, or assess fees.

The opt-out time should be at least 5 or 7 business days, to allow additional time needed where there may be a need to notify a third party who acts on behalf of a sender.

No suggestions for other messages that should be considered transactional.

We appreciate the opportunity to comment and request your consideration of these comments.

Sincerely,

Karen Ellis  
Security/Compliance Officer

